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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,291	04/12/2001	Zheng Fang	039362-0063	2030
24375	7590	05/03/2005	EXAMINER	
VOLPE AND KOENIG, P.C. DEPT. MOT UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			HABTE, ZEWDU	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/833,291

**Applicant(s)**

FANG, ZHENG

**Examiner**

Zewdu Habte

**Art Unit**

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 9,16 and 17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 18-23 is/are allowed.
- 6) ☒ Claim(s) 10,12 and 14 is/are rejected.
- 7) ☒ Claim(s) 11,13 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 10, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. (5590171) in view of Klein (US 6621800 B1).

As to claim 10, according to the claimed invention, it is a monitoring apparatus that is programmed to monitor and generate a copy of a live conversation between two communication devices, upon receiving a go-ahead message from a monitoring station. An apparatus, according to Kung's teaching, is an IP address-mapping checkpoint (IP-AMCP) 141 [a server], programmed [configured] to identify a specific activity forwarded by telephone stations 113 [CPE] with a specified IP target phone 111 [CPE] as illustrated in Fig. 1 [column 2, lines 57-63 and column 3, lines 17-19].

According to Kung, as soon as the call request is received from a caller, it is forwarded via an HFC distribution plant (a remote network location) to an IP-AMCP 141 (a server receiving copy packets). After identifying an IP Phone Intercept List, the IP-AMCP 141 intercepts (generates) the call as per instructions of block 205 [column 3, lines 50-57]. Kung does not specifically mention a RTP

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packet and a RTP server. Klein teaches a two-way RTP audio communications session establishing module 142 in message server 102, illustrated in Fig. 1, for message monitoring application [column 6, lines 8-9]. It would have been obvious to one of ordinary skill in the art to combine Kung's call intercept server that generates a surveillance call to a monitoring station with Klein's two-way RTP audio communications session service module 142, which monitor calls in a real-time basis for the purpose of having an RTP server. The motivation is to minimize packet delays in a network.

As to claims 12 and 14, Kung teaches a method of monitoring voice communications focusing surveillance for VoIP, as described in the field of the invention [column 1, lines 7-12], further comprising:

As soon as a caller in Fig. 1, caller 113 [first VoIP CPE], initiates a call, an IP-AMCP goes through an IP Intercept List to identify if the caller's directory number is in the list [column 3, lines 53-55].

After identifying that the caller directory number is in the list of numbers to be monitored, the call is connected (established) to the called party 111 [second VoIP CPE] and as per block 213, the surveillance station is connected via the IP-AMCP to monitor the call. Also, Kung teaches the call gets replicated/duplicated in order to forward a copy to a monitoring station [column 4, lines 5-10].

Kung does not specifically mention an RTP server. Klein teaches a two-way RTP audio communications session establishing module 142 in message server 102, illustrated in Fig. 1, for message monitoring application [column 6, lines 8-9]. ]. It would have been obvious to one of ordinary skill in the art to

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combine Kung's call intercept server that generates a surveillance call to a monitoring station with Klein's two-way RTP audio communications session service module 142, which monitor calls in a real-time basis for the purpose of having an RTP server. The motivation is to minimize packet delays in a network.

### ***Allowable Subject Matter***

2. Claims 1-8 and 18-23 allowed.
3. Claims 11, 13 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 10, 12 and 14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zewdu Habte whose telephone number is 571-272-3115. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen, can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the

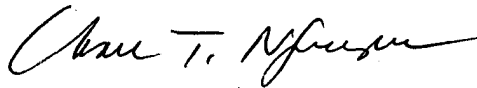
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Zewdu Habte (Zed)  
Examiner  
Art Unit 2661



ZH  
April 29, 2005



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
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